

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF NORTH CAROLINA**

United States of America,

Plaintiff;

v.

Terry Johnson, in his official capacity as
Alamance County Sheriff,

Defendant.

No. 12-cv-1349

**UNITED STATES' MOTION FOR
SUMMARY JUDGMENT**

Exhibit 5

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF NORTH CAROLINA**

United States of America,

Plaintiff;

v.

Terry S. Johnson, in his official capacity
as Alamance County Sheriff,

Defendant.

No. 1:12-cv-1349

Judge Thomas D. Schroeder

ADAM NICHOLSON, pursuant to 28 U.S.C. § 1746, makes the following
declaration under penalty of perjury:

1. My name is Adam Nicholson. I am an officer in the Graham Police
Department in Alamance County, North Carolina.
2. Prior to joining the Graham PD, I worked as an officer at the Alamance
County Sheriff's Office from 2005 to 2010. I joined the Alamance County
Sheriff's Office in September 2005 as a patrol deputy. After a short period
of time I transferred to the Gang Unit, where I worked as an investigator.
3. Sheriff Johnson promoted me to the rank of corporal, and then promoted
me to sergeant in the Gang Unit. I worked as a Sergeant at the Sheriff's
Office for about two years. I also worked as a sergeant in the patrol

division and as a patrol deputy. I resigned from the Sheriff's Office in January 2010.

4. During my time in the Gang Unit at the Alamance County Sheriff's Office, Chris Crain was the lieutenant in charge of the unit. Most of the guidance and orders I received came from Mr. Crain. I understood that Mr. Crain received his orders from the Sheriff directly. Other times, the Sheriff would give orders to the Gang Unit directly.
5. The Gang Unit periodically conducted "round ups" of suspected gang members. Sheriff Johnson wanted these round ups to arrest as many suspects as possible. The Sheriff wanted hundreds of people rounded up, taken to the Alamance County Jail, and run through the ICE immigration system.
6. In addition to round ups, the Gang Unit set up vehicle checkpoints near areas suspected of gang activity. The purpose of these checkpoints was to find suspected gang members. Some of these checkpoints were conducted solely by the Gang Unit. Other times, the Gang Unit teamed up with officers from the Traffic Unit to set up checkpoints. The purpose of these joint checkpoints was to find gang members and look for evidence of other criminal activity, such as drug use.
7. Officers in the Gang Unit were allowed to set up checkpoints anywhere they wanted. The Sheriff did not require the Gang Unit to fill out any

paperwork for checkpoints or to get authorization for the checkpoint from a supervisor.

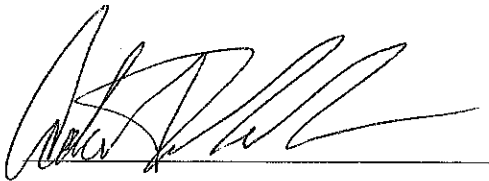
8. It was common for the Sheriff's Office to set up checkpoints around mobile home parks that had mostly Hispanic residents. Officers at the Sheriff's Office set up numerous checkpoints around the Seamsters mobile home park on Highway 49 and the Rocky Top mobile home park near the intersection of Monroe Holt Road and Kernodle Lane.
9. On two separate occasions, Sheriff Johnson directed me to target Hispanics at the Rocky Top mobile home park.

- a. Around 2007, the owner of the Rocky Top mobile home park came to the Sheriff's Office to complain about the "Mexicans" living in the park. On one of these occasions, I was in the Sheriff's office, along with Sheriff Johnson, Chris Crain, and the owner of Rocky Top. Sheriff Johnson turned to Chris Crain and me and said: "I want every chili-shitter in that park arrested." I understood the Sheriff to be referring to the Hispanics who lived in the Rocky Top mobile home park. In response to the Sheriff's order, the Gang Unit set up a checkpoint on Kernodle Road, right at the entrance to Rocky Top. Based on the location of the checkpoint, it was impossible for anyone to enter or leave the park without going through the checkpoint. During the Gang Unit's checkpoint at Rocky Top,

members of the Sheriff's Office's Vice Unit also drove through the park.

- b. On a second occasion around the same time, Sheriff Johnson told me and the Gang Unit to work the Rocky Top mobile home park to "get the Mexicans out of there."

DATED: September 4, 2013

A handwritten signature in black ink, appearing to read 'Adam Nicholson', written over a horizontal line.

Adam Nicholson